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EXPRESS MAIL
RETURN RECEIPT REQUESTED

U.S. Department of Justice
Foreign Litigation Division
1100 L. Street NW, Room 11006
Washington, DC 20530

ATTN: David Epstein, Esq.

Re: LCP Chemicals, Inc. Site, Linden, Union County, New Jersey
Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation and Liability Act, 42 U.S.C. Section 9601 et seq.

Dear Mr. Epstein:

This letter seeks your cooperation in providing information and documents relating to the contamination at the LCP Chemicals, Inc. Site ("the Site") in Union County, New Jersey. We encourage you to give this matter your immediate attention, and request that you provide a response to this Information Request and attached questions within thirty (30) days of your receipt of this letter.

The United States Environmental Protection Agency ("EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and disposal methods of such substances that have been, or threaten to be, released at the Site. EPA plans to study the effects of these substances on the environment and public health. In addition, EPA will identify activities, materials, and parties that contributed to contamination at the Site. EPA believes that you might have information which will assist the Agency in its investigation of the Site.

The Site is located at the foot of South Wood Avenue, an industrial area bordering the Arthur Kill. The property is designated as Block 587 Lots 3.01, 3.02, and 3.03 in the Linden City Tax Map, and occupies approximately 26 acres. Products manufactured at the Site include chlorine, caustic soda, hydrogen, muriatic acid, anhydrous hydrogen chloride, and bleach. The Site was proposed for inclusion on the Superfund National Priorities List on September 25, 1997.

Pursuant to the Trading with the Enemy Act of October 6, 1917, 40 Stat. 411, as amended, the First War Powers Act, 1941, 55 Stat. 838, and Executive Order 9095 (March 11, 1942), which established the Office of Alien Property Custodian, the above-referenced property owned by General Aniline and Film Corporation, a German company, was seized by the U.S. Government in 1942. The Office of Alien Property Custodian was terminated by Executive Order 9788 of October 14, 1946, 11 FR 11981, 12123, 3 CFR 1943-1948 Comp., p. 575, and its functions were transferred to the Attorney General of the United States. The functions transfer was made permanent by Reorganization Plan No. 1 of 1947, 12 FR 4534, 3 CFR, 1943-1948 Comp., p. 1070, effective July 1, 1947. The Office of Alien Property was transferred to the Civil Division of the Department of Justice by Attorney General Order 249-61 of September 1, 1961, and was subsequently abolished by Executive Order 11281 of May 13, 1966, 31 FR 7215, 3 CFR, 1955-1970 Comp., p. 546. The remaining functions were transferred to the Secretary of the Treasury. EPA is sending this request for information to the Department of Justice as the successor to the Office of Alien Property.

Under Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. Section 9601-9675, EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of on a vessel or at a facility, or transported to a facility;
- B) The nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant from a vessel or facility; and
- C) The ability of a person to pay for or perform a cleanup.

If you have information about other parties who may have information which will assist the Agency in its investigation of the Site, or may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 *et seq.*

Instructions on how to answer the questions in this letter can be found in the enclosed attachments.

Your response to this Information Request should be mailed to:

Patricia Simmons, Remedial Project Manager
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007

A copy of your reply should also be sent to:

Muthu Sundram, Esq., Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed in this information request, it is necessary that you promptly notify EPA.

If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Ms. Simmons at (212) 637-3865. However, calls of a legal nature should be directed to Mr. Sundram at (212) 637-3148.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

Janet Feldstein
Strategic Integration Manager
Emergency and Remedial Response Division

Enclosures

Instructions for Responding to The Request for Information

1. **Answer Every Question Completely.** A separate response should be made to each of the Questions set forth in this Information Request. For each Question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. **Number Each Answer.** Precede each answer with the corresponding number of the Question and the subpart to which it responds.
3. **Provide the Best Information Available.** In answering these Questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. If anything is omitted from a document produced in response to the "Request for Information," state the reason for and the subject matter of the omission.
4. **Identify Sources of Answer.** For each Question, identify (see Definitions) all the persons and documents you relied on in producing your answer. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.
5. **Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requires pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §9601 *et seq.* (CERCLA) Section 104(e) that you supplement your response to EPA.
6. **Confidential Information.** The information requested herein may include confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e) (7) (E) and (F) of CERCLA, U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007 (b) of Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

For each document or response that is considered to be confidential information, you should separately address each of the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

To identify a document as confidential, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential (if applicable). Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

7. Personal Privacy Information. Personnel and medical files, and similar files in which the disclosure to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

Definitions

The following definitions shall apply to the terms as they appear in this Information Request.

1. The term "you" or "Respondent" shall include any officers, managers, employees, contractors, trustees, successors, assignees, and agents as applicable.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall mean the LCP Chemicals, Inc. Site located in Linden, Union County, New Jersey.
4. The term "hazardous substances" shall have the same definition as that contained in Section 101 (14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, products or other nonhazardous substances.
5. The terms "CERCLA waste material" or "industrial waste material" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. It contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
 - b. It is a "hazardous waste" as defined in 42 U.S.C. §6904;
 - c. It has a hydrogen ion concentration (pH) of less than 2.0 or greater than 12.5;
 - d. It reacts violently when mixed with water;
 - e. It generates toxic gases when mixed with water;
 - f. It ignites or explodes;
 - g. It is an industrial intermediate waste product;
 - h. It is an industrial treatment plant sludge or supernatant;
 - i. It is coolant water or blowdown waste from a coolant system;
 - j. It is spent product which could be reused after rehabilitation; or
 - k. It is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
7. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.
8. The term "document" and "documents" shall include, but not be limited to, the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex message, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, chromatograms, mass spectra or spectrograms, data processing input and invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material.
9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
10. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
11. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, houses, dwelling places, condominiums, cooperative apartments, offices or commercial buildings, including those located outside the United States.
12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

Request for Information

1. Has the U.S. Government or its agents in the past owned, operated, leased, or maintained any real property at the LCP Chemicals, Inc. Site? Provide all relevant documentation, including leases, deeds, or other materials which relate to such premises.
2. Provide the exact lot and block numbers of all of the U.S. Government's past operations at the Site in Linden, New Jersey. Provide a map identifying the location of these properties. Provide the date(s) of the U.S. Government's operations at the above-referenced lot and block numbers.
3. Provide a full description of all past operations of the U.S. Government at the Site. Your description shall include, but not be limited to, all manufacturing, research and development, processing, maintenance, and/or handling activities. For each type of operation described in the answer to this Question, provide the name(s), and job description(s) of the person or persons responsible for the management of that particular operation.
4. Has the U.S. Government generated, purchased, used and/or handled in any manner any hazardous substance in any of its operations or maintenance related to its operation at the Site?

If the answer to the preceding question is yes, please answer the following questions:

- a. In what years did the U.S. Government generate, purchase, use and/or handle any chemicals, halogenated or non-halogenated at the Site?
 - b. For what purpose was any halogenated or non-halogenated chemicals generated, purchased, used and/or handled by the U.S. Government at the Site?
 - c. What was the volume of the halogenated or non-halogenated chemicals generated, purchased, used and/or handled by the U.S. Government on an annual or any other durational basis at the Site?
5. Describe all storage and disposal practices employed by the U.S. Government with respect to all hazardous substances, hazardous wastes and/or "CERCLA waste material" including, but not limited to, mixtures, solvents and degreasers, paints and paint-thinners handled in any way in the operation of the U.S. Government at the Site. Include all on-site and off-site storage and disposal activities.
 6. Indicate whether the U.S. Government used lagoons, impoundments and/or storage tanks to treat, store and/or dispose of hazardous materials, hazardous waste or "CERCLA waste material" at the Site. If such units were used, please indicate the following:
 - a. The installation date of said unit(s);

- b. The use of said unit(s);
 - c. Whether hazardous substances, hazardous wastes and/or CERCLA waste material were stored/disposed of in said unit(s); and
 - d. The disposition of said unit(s).
- 7. Provide a copy of each document which relates to the generation, purchase, use, handling, hauling, and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" identified in response to Questions 4, 5, and 6 above.
 - 8. Provide the date of any release of hazardous substances, hazardous wastes and/or "CERCLA waste material" including any halogenated or non-halogenated organic chemicals at the property. Provide details of the ultimate disposal of contaminated materials.
 - 9. Identify each person having knowledge of the facts relating to the generation and/or disposal of hazardous substances, hazardous waste and/or "CERCLA waste material" identified in response to Questions 4, 5, and 6 above. For each person identified, provide the name, address and telephone number of that person and the basis of your belief that he or she has such knowledge.
 - 10. Submit a copy of any lease, contract, permit or other written agreement relating to the generation, handling, transport and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" by the U.S. Government at the Site in Linden, New Jersey. If the documents are unavailable, refer to Question 9, above, for the specific information required.
 - 11. State whether any agreements or contracts (other than an insurance policy) exist which may indemnify the U.S. Government for any liability that may result under CERCLA for any release or threatened release of a hazardous substance at the Site. If such agreements or contracts exist, please provide a copy of the agreement or contract. Identify any agreement or contract that you are unable to locate or obtain. If the documents are unavailable, refer to Question 9, above, for the specific information required.
 - 12. State whether an insurance policy has ever been in effect which may indemnify the U.S. Government against any liability which the U.S. Government may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the Site. If so, please provide a copy of the policy. Identify any policy that cannot be located or obtained by the name of the carrier, years in effect, nature and extent of coverage, and any other available information.
 - 13. Please supply any additional information which may help EPA to identify sources who disposed of hazardous substances, hazardous wastes and/or "CERCLA waste material" at the Site.

14. Please supply any and all other documents that indicate or show a business relationship(s) between various business entities that had any kind of connection to the LCP Chemicals, Inc. Site, whatsoever it may be.
15. State the name(s), address(es), telephone number(s), and title(s) of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the answers.
16. Identify each person who assisted in any manner in responding to the "Request for Information" and specify the question for which each person provided assistance in responding.